IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23006 of 2005

Between:

T. Penchalaiah

..... PETITIONER

AND

The Station House Officer,

Kalway Mandal, Nellore District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not taking any action on his complaints, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The learned counsel for the petitioner contended that in spite of the complaint made by the petitioner, the same is not registered by the 1st respondent and hence he prays to issue a mandamus.

On the other hand, the learned Government Pleader for Home opposed the same.

It is the statutory duty of the police to register a case under Section 154 of the Code of the Criminal Procedure if the allegations of the complaint made out a prima facie case of cognizable offence. It is for the 1st respondent to take appropriate decision on the complaint made by the petitioner.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to register a case, if the allegations in the complaint of the petitioner made out a prima facie case of cognizable offence, within a period of 10 days from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 26.10.2005

Dsr